

### **REMARKS**

After entry of the present Amendment, claims 1 and 3-14 remain in the application with claim 1 in independent form. Independent claims 1 is currently amended to incorporate the elements of dependent claim 2 therein. Dependent claim 2 is cancelled in view of the amendment of claim 1 to incorporate the elements of claim 2 therein. No claims are presently added. Therefore, no new subject matter is introduced through the instant amendments.

Claims 1-14 stand rejected under 35 USC §102(a)/102(e) as being anticipated over PCT Publication No. WO2004/037927 to Morita et al. (hereinafter the Morita '927 publication). Claims 1-3, 8, and 9 stand rejected under 35 USC §102(b) as being anticipated by Isshiki et al. (USPN 6225433). Claims 1, 3, 9, and 12 stand rejected under 35 USC §103(a) as being unpatentable over Enami et al. (USPN 6001943). Finally, claims 1-7, 9, and 11-13 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-7, 10, 14, and 17-20 of USPN 7282270.

#### **Rejection of Claims 1-14 Over the Morita '927 Publication**

With regard to the rejection of claims 1-14 over the Morita '927 publication, the Examiner has clearly recognized the Applicants' claim of priority to Japanese Patent App. No. 2003-343622 (which antedates publication of the Morita '927 publication). However, the Examiner has noted within the rejection that a certified translation of the JP '622 application is not of record and, therefore, the foreign claim of priority was not available to obviate the rejection of claims 1-14 over the Morita '927 publication. Thus, the Applicants submit herewith a translation of the JP '622 application, along with a

“Statement of Accuracy of the Translation” executed by a person familiar with the Japanese language to attest to the accuracy of the translation. The Applicants’ submission of the translation of the JP ‘622 application and the Statement effectively proves the proper claim of priority in the instant application to the JP ‘622 application and antedates the publication date of the Morita ‘927 publication such that the rejection of claims 1-14 over the Morita ‘927 publication must be withdrawn.

**Rejection of Claims 1-3, 8, and 9 Over Isshiki et al.**

The Applicants respectfully traverse the rejection of claims 1-3, 8, and 9 over Isshiki et al. on the basis that Isshiki et al. does not teach a curable organopolysiloxane composition comprising linear organopolysiloxane **with both terminal ends of the molecular chain blocked by silicon bonded hydrogen atoms** (i.e., the instantly claimed component (C)). Referring to the Examiner’s statements in support of the rejections relying upon Isshiki et al., the only attention paid to component (C) of independent claim 1 is a blanket statement by the Examiner whereby reference is made to the fact that Isshiki et al. discloses a silicone composition comprising the materials outlined in column 2, lines 10-32. Turning to the disclosure of Isshiki et al., column 2, lines 10-32 merely discloses an organopolysiloxane containing at least two silicon-bonded hydrogen atoms per molecule and contains no mention whatsoever of the organopolysiloxane having terminal ends of the molecular chain blocked by silicon bonded hydrogen atoms. Further, with reference to the rest of the disclosure of Isshiki et al., the only portion thereof that addresses end blocking of the organopolysiloxane is the Examples section. Notably, each of the organopolysiloxanes containing silicon-bonded hydrogen that are used in the Examples have trimethylsiloxy termination, and **not** do not

have terminal ends of the molecular chain blocked by silicon bonded hydrogen atoms. Thus, Isshiki et al. clearly does not disclose component (B) of the instant claims such that independent claim 1 is not anticipated by Isshiki et al.

In view of the foregoing, the Applicants respectfully submit that independent claim 1 is novel over the disclosure of Isshiki et al. Further, there is no basis for the Examiner to find that it would be obvious to modify Isshiki et al. to replace the organopolysiloxanes containing the silicon-bonded hydrogen as taught therein with organopolysiloxanes having terminal ends of the molecular chain blocked by silicon bonded hydrogen atoms. Thus, the Applicants respectfully submit that independent claim 1, as well as the claims that depend therefrom, are both novel and non-obvious over Isshiki et al. such that the rejections that rely on Isshiki et al. must be withdrawn.

#### **Rejection of Claims 1, 3, 8, and 9 As Obvious Over Enami et al. Alone**

With regard to these obviousness rejections, the Applicants note that dependent claim 2 **was not** subject to the rejections over Enami et al. alone. Therefore, in view of the fact that independent claim 1 has been amended to incorporate the elements of dependent claim 2, the Applicants respectfully submit that the rejections of the claims over Enami et al. is moot and must be withdrawn.

#### **Obviousness-Type Double Patenting Rejections**

The Applicants acknowledge these rejections and will consider filing a Terminal Disclaimer upon allowance of independent claim 1 as amended, as well as the claims depending therefrom.

In view of the foregoing, the Applicants respectfully submit that each of the rejections of amended independent claim 1 have been overcome, either through amendment

of claim 1 or through traversal of the rejections (save for the obviousness-type double patenting rejection, for which the Applicants will consider filing a Terminal Disclaimer upon an indication of allowance of independent claim 1). Thus, the Applicants respectfully submit that independent claim 1, as well as the claims that depend therefrom, is in condition for allowance, which allowance is respectfully requested.

This Amendment is filed timely; thus it is believed that no fees are presently due. However, the Commissioner is authorized to charge our deposit account no. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**

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